

REMARKS

Claims 11 and 14-16 are pending. Claims 1-10, 12-13 and 17-64 were previously cancelled. Claim 11 has been amended to delete reference to one of the targets in the Markush group. Accordingly, no new matter has been added.

Rejection under 35 U.S.C. § 102

Claims 11 and 14-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lupold *et al.* ("U.S. Patent Application Publication No. 2002/0119473").

For the reasons stated previously in applicants' Amendment and Response dated September 9, 2009, applicants respectfully disagree.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. M.P.E.P. § 2131. The elements must also be arranged as required by the claim. M.P.E.P. § 2131. Furthermore, the identical invention must be shown in as complete detail as is contained in the claim. M.P.E.P. § 2131.

Independent claim 11, as amended, and the claims that depend therefrom, are directed to an aptamer comprising a first nucleic acid sequence that binds to a first target and a second nucleic acid sequence that binds to a second target, wherein the second sequence is an immunostimulatory CpG motif that stimulates an immune response, wherein the CpG motif comprises the formula rCGyy, wherein "r" is a purine, "C" is cytosine, "G" is guanosine and "y" is a pyrimidine, and wherein the first sequence binds to a first target selected from the group consisting of PDGF, IgE, IgE Fc ϵ R1, CD22, TNF-alpha, CTLA4, PD-1, PD-L1, PD-L2, FcRIIB, BTLA, transmembrane protein containing immunoglobulin and mucin-like domains (TIM-3), CD11c, B lymphocyte activating factor (BAFF), B7-X, CD19, CD20, CD25 and CD33.

Lupold *et al.* ("Lupold") disclose aptamers to PSMA and methods for generating aptamers to PSMA. Lupold discloses a number of PSMA aptamers, including xPSM-A9 and xPSM-A10. Lupold also discloses that the PSMA aptamers are useful for the delivery of therapeutic compounds to tissues or organs expressing PSMA.

Even though applicants disagree with the examiner that Lupold inherently anticipates the claimed invention, in order to expedite prosecution, applicants have amended independent claim 11 to delete reference to PSMA as a first target. Lupold does not show an aptamer directed to a target other than PSMA. Accordingly, withdrawal of this rejection under 35 U.S.C. § 102(b) is respectfully requested.

CONCLUSION

Applicants submit that claims 11 and 14-16 are now in allowable form. Accordingly, reconsideration of the rejection and allowance of the claims at an early date are earnestly solicited.

If there are any questions regarding this Amendment and Response or if the undersigned can be of assistance in advancing the application to allowance, please contact the undersigned at the number set forth below.

Respectfully submitted,



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